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MARCH 7, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MAR - 6 2008

	NORTHERN DI	STRICT OF ILLINOIS DIVISION	MICHAEL W. DOBBINS CLERK, U.S. DISTRICT COURT
	}		MAR 0 6 2008
Edna Lewis- (Name of the plaintiff or	lamey plaintiffs)	CIVIL ACTION	
V.  John E. Potter  Postmaster General		08CV1358 JUDGE GETT MAGISTRATI	ΓLEMAN Ξ JUDGE NOLAN
Name of the defendant of		·	<del>.</del> <u></u> , .
COM	IPLAINT OF EMPLO	YMENT DISCRIMINAT	TION
1. This is an action for e	mployment discrimina	ation.	•
2. The plaintiff is	Ina Lewis-R Will	in the state of	Ilinois.
3. The defendant is <u>J</u>	ohn E. Pott	er, Postmaster G	eneral, USPS, who
resides at (street addr	ess) 475 L'E	nfant Plaza, :	<u>ട. ധ.</u>
(city) WASHINGTON	(county)	(state) <u></u>	(ZIP) <u> 2026</u> 0 - 0010
(Defendant's telephor	ne number) ()		<u> </u>

4)	The plaintiff sought employment or was employed by the defendant at		
	(street add	ress) 3900 GABRIELLE LN	
(cit	y) AURO	RA (county) DUPAGE (state) IL (ZIP code) 60599	
5.	The plaintiff [check one box]		
	(a) was denied employment by the defendant.		
(b) was hired and is still employed by the defendant.		was hired and is still employed by the defendant.	
	(c) X	was employed but is no longer employed by the defendant.	
6.	. The defendant discriminated against the plaintiff on or about, or beginning on or about,		
	(month)	$\underbrace{\text{May}}_{\text{(day)}}, \underbrace{\text{(day)}}_{\text{(year)}}, \underbrace{\text{(year)}}_{\text{(year)}} \underbrace{\text{200}}_{\text{(6)}}.$	
7.	(a) The pl	aintiff [check one box] has not filed a charge or charges against the defendant has	
ass	erting the a	cts of discrimination indicated in this complaint with any of the following government	
age	encies:		
	(i)	the United States Equal Employment Opportunity Commission on or about (month) August (day) 18 (year) 2006.	
	(ii)	the Illinois Department of Human Rights on or about (month) (day) (year)	
(b)	If char;	ges were filed with an agency indicated above, a copy of the charge is	
atta	ached.	▼ YES □ NO	
lt i	s the policy	of both the Equal Employment Opportunity Commission and the Illinois Department of	
Hu	man Rights	to cross-file with the other agency all charges received. The plaintiff has no reason to	
bel	ieve that thi	is policy was not followed in this case.	
8.	(a)	the United States Equal Employment Opportunity Commission has not issued a Notice	
		of Right to Sue.	
	(b) X	the United States Equal Employment Opportunity Commission has issued a Notice of	
		Right to Sue, which was received by the plaintiff on (month) December	
		(day)   or 12 (year) 2007 a copy of which Notice is attached to this complaint.	
		(Guide to Civil Cases for Litigants Without Lawyers: Page 44)	

9.	The defe	ndant discriminated against the plaintiff because of the plaintiff's [check all that apply]
	(a) .	Age (Age Discrimination Employment Act).
	(b)	Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
	(c)	Disability (Americans with Disabilities Act)
		National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
	(e) 💢	Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981). Reverse Discrementation
		Policion (Title VII of the Civil Rights Act of 1964)
	(g)	Sex (Title VII of the Civil Rights Act of 1964)
10	. The plair	ntiff is suing the defendant, a state or local government agency, for discrimination on the
	basis of	race, color, or national origin (42 U.S.C. §1983).
		X YES NO
11	. Jurisdict	ion over the statutory violation alleged is conferred as follows: over Title VII claims by 28
	U.S.C.§	1331, 28 U.S.C.§1343(a)(3), and 42 U.S.C.\$2000e-5(f)(3); over 42 U.S.C.§1981 and
	§1983 b	y 42 U.S.C.§1988; over the A.D.E.A. by 42 U.S.C.§12117.
12	. The defe	endant [check all that apply]
	(a)	failed to hire the plaintiff.
	(b) <b>X</b>	terminated the plaintiff's employment.
	(c) X	failed to promote the plaintiff.
	(d)	failed to reasonably accommodate the plaintiff's religion.
	(e)	failed to reasonably accommodate the plaintiff's disabilities.
	(f) X	other (specify): Although Terry Mallory, BSH Manager, gave me an excellent 2005 end-of-year evaluation for my performance,
		excellent 2005 and of your evaluation for my performance,
		he didn't select me for my position that was upgraded
		from EAS-13 to EAS-16 through reorganization. Because
		of the nonselection it was possible for me to be reassigned
		to a position up to 100 miles away in one direction or
		be terminated. The early retirement, with 8% penalty, was my only secure Postal source of income to choose, constructive
		only secure fostal source of income to choose, constructive
		Guide to Civil Cases for Litigants Without Lawyers: Page 45)

Item 9 continued

Reprisal, due to prior EEO activities against Terry Mallory, was the reason for his discrimination against me which caused my constructive discharge.

13. The f	acts supporting the plaintiff's claim of discrimination are as follows:
	My performance and the evaluations by Terry Mallory,
	reflecting the same, warranted my selection. The letters
	of Appreciation from many of my customers and the District
	MANAGER prove my excellent job performance. The EEO
	activities against Terry Mallory, reprisal, is the only reason
	for my nonselection. I was the only Black in office and only one Honselected
14. [AG£	E DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully
discri	minated against the plaintiff.
15. The p	plaintiff demands that the case be tried by a jury. YES NO
16. THE that a	REFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all upply]
(a)	Direct the defendant to hire the plaintiff.
(b)	Direct the defendant to re-employ the plaintiff.
(c)	Direct the defendant to promote the plaintiff.
(d)	Find that the defendant failed to reasonably accommodate the plaintiff's religion.
(e)	Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.
(f) \( \sum_{\text{\tinit}}\\ \text{\te}\text{\texi}\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\texi}\text{\text{\text{\text{\text{\text{\text{\texit{\text{\texi}\text{\tex{\texit{\text{\texi}\text{\text{\texi}\text{\texit{\text{\texi}\titt{\texi}\text{\texi}\text{\texi}\text{\text{\texi}\text{	Direct the defendant to (specify): Compensate me for the four
	years for which I took the constructive discharge
(a) $\nabla$	If available, grant the plaintiff appropriate injunctive relief, lost wages,
\8/ <b>L</b>	liquidated/double damages, front pay, compensatory damages, punitive damages,
	prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(Guide to Civil Cases for Litigants Without Lawyers: Page 46)

A started working for the Postal Grove in August of 1980 in the Cantral Region, Downtown Chicago. A always received Letters of Commodation for outstanding performance, available upon request. I started working in the Business Service Hatwork, BSH, in Debruary of 1993. We had a lot of different managers. Whom Jarry Mallory lost has position as Account Pap, he came to the BSN. He was to come in my cubicle and talk to me and song that he wanted to go with me to visit my customers because he used to have some of the same customers. He used to say that in the office staff mastings also. That never happened. Derry Started harassing me for taking too many minutes in the washroom, He knew D had a boy friend on the workroom floor. I filed EEOs on Jerry Mellory. My avaluations were always met requirements to Excellent by Jerry Mallory for my work parformance. The last and of year evaluation by T.M. Stated grad & rad on speedlant FY'05.

The good of the BSA was to provide Excallent Customer, Service to our customers who sport at least \$250,000 a year in Partial neverue. I received sotters of Appreciation about half of my customers or more, and from the District Manager, shorting had ne for providing speedlest customers service. No one also had no many as I did. There was a reorganization of the BSA and as many as I did. There was a reorganization of the BSA and the levels were raised from EAS-13 to EAS-16. I was the only the levels were raised from EAS-13 to EAS-16. I was the only the levels were raised from EAS-13 to EAS-16. I was the only the only CSR non selected. Knowly Bolm's white CSR, Domiciled Downstate in Reorie, position was non-visited because they didn't want any domiciled positions anymore.

my EEO Representative, Don Strauther, Summoregal the case in the attacked appeal of the final agency decision. See addition pages

Edna Lewis-Ramay Complainant |

Agency Case No. 4J-604-**8093-06** EEOC Case No. 440-2007-00058X

V.

Formal Complaint Filed: August 18, 2006

John E. Potter Postmaster General United States Postal Service

This is an appeal of the June 7, 2007, final agency decision of the United States Postal Service (herein referred to as FAD) finding no discrimination in the above referenced matter.

The agency has allegedly articulated several facially legitimate non-discriminatory explanations for its action. However, the inconsistencies, and contradictions in the agency's proffered reasons for its subject actions is simply a pretext for discrimination.

Evidence of records disclosed that on February 14, 2006, employees were informed of the restructuring of the BSN Office. As such, all Senior CSR EAS-16 and CSR EAS 13 positions at the district office were abolished. The FAD reflects that on April 11, 2006, the agency posted five (5) BSN Representative EAS-16 positions due to the subject restructuring. Terry Mallory, Manager, Business service Network, testified that application process was opened to affected employees only. Record evidence disclosed that the Business Service Network Organization prior to the restructuring consisted of Manager Mallory, one (1) Senior CSR EAS-16, and five CSR EAS-13 positions. Record evidence further disclosed that the complainant held one (1) of the EAS-13 positions and one (1) was vacant. On April 25, 2006, Complainant submitted the required application. On May 15, 2006, Manager Mallory notified Complainant that she was non-selected for aforementioned vacancy. Aff A, Aff B, Exhibits 4, 5, 7

Manager Mallory proclaimed that there was no promotion review committee. He further testified that because there were four (4) affected employees he interviewed the applicants. He stated that a promotion committee is required for five (5) or more applicants. Evidence of record disclosed that five (5) applicants were considered. The five (5) applicants were Donna Anderson, Rosanna Sarniak, Kristy Behm, Patti birkhead, and the Complainant. Handbook EL-312, Part 743.52 Review Committee, 743.521 Review Committee Function, states in part: When five (5) or more applications are received, the selecting official with the vacancy must designate a review committee of at least three (3) members. Manager Mallory testified that he (Selecting Official) and Bernard Baynes, Manager BSN Northern Illinois District, interviewed the applicants. Manager Mallory averred that everyone in the unit was required to compete for the new positions. He further proclaimed that no CSR was moved into the BSN position without having to compete for their position. It should be noted that the complaint file is absent any testimony from aforementioned manager relative to Complainant's interview. Affidavit b, Pages 10, 18, 22, Exhibits 21, Page 6

Manager Mallory asserted that his rejection of Complainant was based upon her work history, a poor interview, and an unsatisfactory 991 (Application). He further testified that his selection was based on his overall assessment of who he determined were best qualified, Aff.B. Record evidence disclosed that on May 16, 2006, Manager Mallory informed Complainant that her non-selection was not a reflection upon her knowledge, skills, or ability. 1F.Exhibit 13

Complainant testified that her last three (3) reviews rated her from satisfactory to excellent. Manager Mallory asserted that Complainant's ratings were based upon the limited parameters in the Performance Evaluation System. He further stated that some of the goals were group goals. It should be noted that three (3) of the members of the group were promoted. However, Complainant wasn't included. Evidence of record disclosed that aforementioned rating forms reflect ratings as: (1) Non Contributor, (2) Contributor, (3) High Contributor, and (4) Exceptional Contributor. As such Manager Mallory's contention that the Performance Evaluation System provided parameters as to the rating of Complainant lacks credence. There was nothing which would have precluded Manager Mallory from rating Complainant as a Non Contributor had her performances reflected the same. Therefore, it is ludicrous for the agency to attempt to persuade the trier of facts that Manager Mallory's evaluation of the Complainant was based upon limited parameters. Aff A, Aff B, Exhitib 9, FAD

Manager Mallory proclaimed that he had numerous discussions with Complainant relative to her performance. However, the complaint file is absent documentation to support the same. Manager Mallory testified that such discussion commenced September 2003. Therefore, it would appear that it was approximately two (2) years (August 5, 2005) before Complainant was issued formal disciplinary action. Aff B, Page 27, Exhibit 17.

Manager Mallory averred that information on Complainant's 991 was not specific enough to determine exact time frames. He stated that Complainant's 991 reflected some tasks performed that were over ten (10) years old. However, he failed to state as to what efforts, if any, he utilized to verify or clarify information on complainant's 991, as reference names, and phone numbers provides for such. Manager Mallory testified that Complainant's 991 did not conform to the Star Format. Evidence of records revealed that Complainant's 991 format was very similar to comparison employee Donna Anderson. It should be noted that said comparison employee failed to include reference numbers on her 991. Record evidence disclosed that Complainant had a rich amount of experience commencing some thirty (30) plus years. A review of Publication 555, September 1999, failed to identify the time periods an applicant is limited to reflecting such experience on their 991. Complainant's 991, however, reflect experience gained subsequent to February 1993 and current. Aff B, Exhibits 7, 12, 23.

Complainant recognizes tat having more years of experience than any of the selectees does not necessarily make an individual more qualified to meet the needs of the agency. Complainant further recognizes that the agency has the discretion to choose among equal candidates. Complainant does not question the qualifications of the three (3) candidates selected. However, it is Complainant's position that absent her previous EEO activity and based upon her qualifications, she also should have received one of the five (5) vacancies. Aff A

It should be note that the Investigative File lacks evidence that could provide additional information. There is no 991 (Application) from comparison employee Kristy Behm. The basis of her rejection is not included in subject file. The functional purposes, requirements, duties and responsibilities of the position Customer Service Representative, EAS 13, abolished due to restructure relative to the newly established BSN Representative EAS 16, is not included; therefore, a comparison of required qualification is not feasible. IF

The FAD states that Manager Mallory testified that he followed the guidelines per Applicant's Guide for Responding to Personnel Selection Requirements on Form 991, Publication 555, September 1999, relative to the STAR format to review the candidates' 991, FAD, Page 14. A review of Manager Mallory's affidavit (some 35 pages and 3 pages of questions submitted by EEO Investigator MacDonell) failed to reveal that Manager Mallory makes any reference to the aforementioned guidelines. The FAD states that Manager Mallory testified that he followed the guidelines of USPS Handbook EL 350, November 1989, Establishing Nonbargaining Requirements EAS and USPS Handbook EL 312 Employment and Placement, September 2001, Section 714, Selection Definitions and Philosophy and Section 742, Selection Principles relative to selecting the candidates who best meet the needs of the position. Again reviewing manager Mallory's affidavit consisting of 38 pages, there is no testimony relative to the aforementioned guidelines. In as much as Manager Mallory failed to follow subject guidelines, the validity of the promotions is questionable. Aff B, exhibits 20, 21, 23 FAD

The FAD alleged that Manager Mallory testified that he discussed the proper STAR format (each example should demonstrate the situation/task actions you took to resolve/complete situation/task and the results) with all employees at staff meetings and provided them with resources in terms of personnel writing tools. However, record evidence disclosed that Manager Mallory testified that he discussed the essence of the STAR format at staff meetings and informed them that there were numerous resources available to assist in writing 991s. Evidence of record failed to disclose that he provided such. FAD, Aff B, page 30. The FAD further alleged that Manager Mallory testified that he followed the guidelines per Applicant's Guide for Responding to Personnel Selection Requirements on Form 991, Publication 555, September 1999 relative to the STAR format to review the candidates' 991s. Record evidence failed to disclose that Manager Mallory testified to the aforementioned regulations. Aff. B, Pages 30-33, Exhibit 23

Regarding Complainant's position that her VERA constituted a constructive discharge; as the Complainment Complainant testified that she was informed by Manager Mallory and Pat Needham, NAPS (National Association of Postal Supervisors) that she could be assigned a position up to 100 miles in one direction. Complainant further stated that Manager Mallory informed her that if she was offered a position and she refused it, she would be terminated. Complainant asserted that she was informed in a meeting that a list of available details which could lead to permanent positions would be given to unsuccessful candidates. Complainant proclaimed that she inquired from HR General Principal Barbara Jones as to the aforementioned list. She asserted that Ms. Jones questioned her as to why Manager Mallory informed them of such as they only post positions. Complainant testified that based upon Manager Mallory's past treatment toward and possibility of being assigned 100 miles from home while raising a family, as a single parent, and the uncertainty that existed, she elected to take the VERA as it provided something concrete. Aff. A, Exhibits 14, 15.

Note: Record evidence disclosed that inorder to secure and affidavit from HR General Principal Barbara Jones relative to Complainant's allegations that on September 29, 2006, EEO Investigator Joan MacDonnel forwarded 16 questions to Ms. Barbara Jones relative to Complainant's allegations. Said evidence failed to disclose that subject questions were answered by HR General Principal Jones. It appears that the affidavit in question simply consist of the BSN Employee Timeline. Aff. C, Exhibit 3.

#### Conclusion:

For the above reasons Complainant has proven by a preponderance of the evidence that the agency's articulated non-discriminatory explanation for its actins are merely a pretext for discrimination. Also, for the reasons stated herein Complainant has proven that the Agency's articulated reasons were not credible but simply a pretext to mask discriminatory action directed toward Complainant when she was denied a promotion to the position of Business Service Network Representative, EAS-16. Also Complainant has shown by a preponderance of the evidence that a reasonable person under similar work employment would have chosen VERA.

Edna S. - Ramey Edna Lewis-Ramey

Complainant

(h) Grant such other	relief as the Court may find appropriate.
(Plaintiff's signature)	Edra Sewis-Raney
(Plaintiff's name)	EdHA Lewis-Ramey
(Plaintiff's street address)	739 Countryside DR.
	(City) Boling brook (State) IL (ZIP) 60490-5459
(Plaintiff's telephone nu	mber) (630) - 378-5327

Case 1:08-cv-01358

# U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Office of Federal Operations P. O. Box 19848 Washington, D.C. 20036

Edna C. Lewis-Ramey, Complainant,

v.

John E. Potter,
Postmaster General,
United States Postal Service,
Agency.

Appeal No. 0120073213

Agency No. 4J604009306

Hearing No. 440200700058X

#### DECISION

Complainant timely initiated an appeal from a final agency decision (FAD) concerning her complaint of unlawful employment discrimination in violation of VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq. The appeal is accepted pursuant to 29 C.F.R. § 1614.405. For the following reasons, the Commission affirms the agency's final decision.

Complainant sought EEO counseling and subsequently filed a formal complaint on August 18, 2006, alleging that she was discriminated against on the basis of reprisal for prior EEO activity, when on May 17, 2006, she was not selected for the position of Business Service Network (BSN) Representative, EAS-16, and when she was forced into retirement through the agency's Voluntary Early Retirement Authority (VERA) on July 31, 2006.

The record indicates that complainant applied for the EAS-16 position and that of the 5 candidates, only 3 were selected for the position. Complainant alleges that she was well qualified for the job and was denied the position because of her previous EEO activity. Complainant further alleges that the agency's conduct in not selecting her for the BSN position forced her into retirement which amounts to a constructive discharge.

At the conclusion of the investigation, complainant was informed of the right to request a hearing before an EEOC Administrative Judge or alternatively, to receive a final decision by the agency. Complainant requested a hearing, however, when she failed to comply with the

order of the Administrative Judge, her complaint was remanded to the agency for the issuance of a final decision.

In its FAD, the agency found that complainant failed to establish a *prima facie* case of discrimination as alleged. The agency further determined that even assuming, *arguendo*, that complainant established a *prima facie* case, the agency proffered legitimate non-discriminatory reasons for its actions, and that complainant failed to establish that the agency's reasons were a pretext for discrimination.

To prevail in a disparate treatment claim such as this, complainant must satisfy the three-part evidentiary scheme fashioned by the Supreme Court in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973). He must generally establish a prima facie case by demonstrating that he was subjected to an adverse employment action under circumstances that would support an inference of discrimination. Furnco Construction Co. v. Waters, 438 U.S. 567, 576 (1978). The prima facie inquiry may be dispensed with in this case, however, since the agency has articulated legitimate and nondiscriminatory reasons for its conduct. See United States Postal Service Board of Governors v. Aikens, 460 U.S. 711, 713-17 (1983); Holley v. Department of Veterans Affairs, EEOC Request No. 05950842 (November 13, 1997). To ultimately prevail, complainant must prove, by a preponderance of the evidence, that the agency's explanation is a pretext for discrimination. Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133, 120 S.Ct. 2097 (2000); St. Mary's Honor Center v. Hicks, 509 U.S. 502, 519 (1993); Texas Department of Community Affairs v. Burdine, 450 U.S. 248, 256 (1981); Holley v. Department of Veterans Affairs, EEOC Request No. 05950842 (November 13, 1997); Pavelka v. Department of the Navy, EEOC Request No. 05950351 (December 14, 1995).

The Commission determines that the agency established legitimate non-discriminatory reasons for its actions. Specifically, the agency found that complainant's prior work history was a factor in her non-selection. The agency indicated that complainant's lack of productivity, tardiness, poor work quality and excessive personal phone calls were among the factors considered in the agency's decision not to select complainant for the position. In addition, the agency indicated that complainant's performance did not improve after providing complainant with the opportunity for training and counseling on her work product and performance. The record further indicates that the selectees were determined to be more suitable to fill the positions. Finally, the agency indicates that complainant's decision to retire was entirely voluntary as evidenced by complainant's consent in writing.

The Commission further finds that complainant failed to present evidence that more likely than not, the agency's articulated reasons for its actions were a pretext for discrimination. Complainant fails to provide sufficient evidence of pretext or that she had superior qualifications for the position at issue. Complainant has failed to demonstrate that her non-selection was based on any discriminatory animus towards complainant's protected classes. Moreover, complainant has failed to provide persuasive evidence that her retirement amounted to constructive discharge by the agency

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After a review of the record in its entirety, including consideration of all statements submitted on appeal, it is the decision of the Equal Employment Opportunity Commission to affirm the agency's final decision because the preponderance of the evidence of record does not establish that discrimination occurred.

#### STATEMENT OF RIGHTS - ON APPEAL

#### RECONSIDERATION (M0701)

The Commission may, in its discretion, reconsider the decision in this case if the complainant or the agency submits a written request containing arguments or evidence which tend to establish that:

- 1. The appellate decision involved a clearly erroneous interpretation of material fact or law; or
- 2. The appellate decision will have a substantial impact on the policies, practices, or operations of the agency.

Requests to reconsider, with supporting statement or brief, must be filed with the Office of Federal Operations (OFO) within thirty (30) calendar days of receipt of this decision or within twenty (20) calendar days of receipt of another party's timely request for reconsideration. See 29 C.F.R. § 1614.405; Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), 9-18 (November 9, 1999). All requests and arguments must be submitted to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 19848, Washington, D.C. 20036. In the absence of a legible postmark, the request to reconsider shall be deemed timely filed if it is received by mail within five days of the expiration of the applicable filing period. See 29 C.F.R. § 1614.604. The request or opposition must also include proof of service on the other party.

Failure to file within the time period will result in dismissal of your request for reconsideration as untimely, unless extenuating circumstances prevented the timely filing of the request. Any supporting documentation must be submitted with your request for reconsideration. The Commission will consider requests for reconsideration filed after the deadline only in very limited circumstances. See 29 C.F.R. § 1614.604(c).

### COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (S0900)

You have the right to file a civil action in an appropriate United States District Court within ninety (90) calendar days from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you

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work. If you file a request to reconsider and also file a civil action, filing a civil action will terminate the administrative processing of your complaint.

#### RIGHT TO REQUEST COUNSEL (Z1199)

If you decide to file a civil action, and if you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or other security. See Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.; the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791, 794(c). The grant or denial of the request is within the sole discretion of the Court. Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action must be filed within the time limits as stated in the paragraph above ("Right to File A Civil Action").

X

FOR THE COMMISSION:

Contra M. Badden

Carlton M. Hadden, Director Office of Federal Operations

DEC 7 2007

Date

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For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was mailed. I certify that this decision was mailed to the following recipients on the date below:

Edna C. Lewis-Ramey 739 Countryside Drive Bolingbrook, IL. 60490

Don Struther 516 Huntington Glen Carbon, IL. 62034

U.S. Postal Service (Great Lakes) NEEOISO - Appeals P.O. Box 21979 Tampa, FL. 33622-1979

DEC 7 2007

Date

**Equal Opportunity Assistant**